



**Response under 37 C.F.R. § 1.116
Expedited Procedure
Examining Group 2131**

**PATENT
ATTORNEY DOCKET NO. : 040894-5745**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:)	Confirmation No.: 7277
)	
Shinji YOSHIDA)	Group Art Unit: 2131
)	
Application No.: 09/994,929)	Examiner: S. Chen
)	
Filed: November 28, 2001)	Mail Stop AF
)	
For: DATA REPRODUCING DEVICE, HARD)	
DISK, AND DATA STORING DISK)	

Customer Window, Mail Stop AF
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Alexandria, VA 22314

Sir:

**NOTICE OF APPEAL TO THE
BOARD OF PATENT APPEALS AND INTERFERENCES**

Applicants hereby appeal to the Board of Patent Appeals and Interferences from the decision of the Examiner dated November 22, 2005, finally rejecting claims 1, 2, 5-8, and 11-22.

1. Extension of Time

The proceedings herein are for a patent application and the provisions of 37 C.F.R. § 1.136(a) apply.

- ☒ Applicant is requesting and paying for a three-month extension of time in the concurrently filed Amendment Transmittal Form. Accordingly, Applicant believes that no additional extension of time is required. However, this conditional petition is being made to provide for the possibility that Applicant has inadvertently overlooked the need for a petition and fee for extension of time.

- ☐ Applicants request an extension of time, the fees for which are set out in 37 C.F.R. § 1.17(a), for the total number of months checked below:

<u>Total Months Requested</u>	<u>Fee for Extension</u>	<u>[Fee for Small Entity]</u>
<input type="checkbox"/> one month	\$ 110.00	\$ 55.00
<input type="checkbox"/> two months	\$ 450.00	\$ 225.00
<input type="checkbox"/> three months	\$ 1,020.00	\$ 510.00
<input type="checkbox"/> four months	\$ 1,590.00	\$ 795.00

If an additional extension of time is required, please consider this a Petition therefor.

2. Notice of Appeal Fee

- ☐ The fee in the amount of \$500.00 to cover the appeal fee is enclosed.
- ☒ A Notice of Appeal fee of \$500.00 is currently due and is being paid concurrently, as indicated in section 3 below.

3. Fee Payment

- ☒ The Notice of Appeal fee of \$500.00 is being paid by the authorization provided in the concurrently-filed Amendment Transmittal Form.

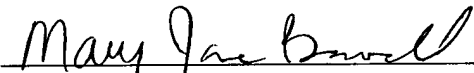
4. Constructive Petition

- ☒ **EXCEPT** for issue fees payable under 37 C.F.R. § 1.18, the Commissioner is hereby authorized by this paper to charge any additional fees during the entire pendency of this application including fees due under 37 C.F.R. §§ 1.16 and 1.17 which may be required, including any required extension of time fees, or credit any overpayment to Deposit Account 50-0310. This paragraph is intended to be a **CONSTRUCTIVE PETITION FOR EXTENSION OF TIME** in accordance with 37 C.F.R. § 1.136(a)(3).

Respectfully submitted,

MORGAN, LEWIS & BOCKIUS LLP

Dated: May 22, 2006

By: 
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